ivory by his own hunting parties or as a kind of tithe on other hunting expeditions. The ground tusk, i.e. the tusk on the side on which the elephant falls when killed, was the chief's share. In the same way, the hind leg on the ground side of any game animal killed was sent to the chief. He took a share of the spoils of war and most of his people yearly gave him either service in building houses, etc., or food in the form of foodstuffs, but he enforced no service and levied no tax, except for the making of a new burial place.[1] Now settlers in his village were expected to invite him to drink beer made with their first crops.

In return, he always provided cloth to invest the body of the dead. He also made gun-nuts at the time of Engage.[2]

A chief's life, therefore, may not be "all beer and skittles," though he consumes a good deal of the former and a kind of skittles[3] was a favorite pastime of one of the Mukenyas. A saying embodying this idea was used when pleading for a man who had committed adultery with his chief's wife "one who carries a birthdate (on a string over his back) is likely to get his skittles soiled"; a man has to put up with the troubles his belongings bring him. So a chief must bear with his own people who do wrong.

Ample opportunity for exercising such forbearance was provided, since the chief was formerly the adjudicator of all disputes and dispenser of justice in all crimes. The headmen did the same in a smaller way but appeal could always be made to the chief. Cases were heard by the chief sitting in council. He and his headmen and elders would assemble in the village open space and here cases were stated, often at great length.

Each party to the case would employ some man well known for his powers of oratory as leading counsel. The speaker for the plaintiff would start proceedings by a recital of all the evidence he could collect. After him would follow innumerable speakers, whether actual witnesses or not, each telling as good a story as he could, and the defendant's case would then be put by his representatives. There was no cross-examination but at the end, a summary was made and judgment given. A chief often took the advice of some one of his old men whom he trusted.[4] The chief received no payment for his services, except in the case of murder; neither did the "counsel" receive anything for their efforts.

Crimes. Causing the death of a person by witch medicine, sorcery, was the most heinous crime; a sexual ordeal might be held, but if the offense was proved, burning was the punishment which usually followed.

The offense second in gravity was adultery. This might be expiated by payment or by death, according to the circumstances under which it occurred; mutilation was often performed in the case of a chief's wife. All death sentences with the exception of those

[1] Vide supra, p. 266. [2] Vide supra, pp. 240, 266. [3] Vide infra, p. 280.

[4] The old Mukenyas (Mukenzeke) too were very few men among his counselors. Kisonkoyo and Chinyile, the latter renowned for his oratory, were his chief advisers in legal matters. Ndakisa, a slave, was his master in all personal and family affairs, while Chakwanga was in charge of all ceremonies and served with his assistant, Mpanda, as high priest on all occasions of intercession. Others acted as his ambassador, such as Mwapiti who always went on any mission to the Angoni, among whom he was known as Ndanjira.

for wickedness were carried out by smuggling with a piece of rattan or a piece appointed for the purpose some miles from the chief's village.

There was no case against a man who seduced an unbetrothed girl, the latter being considered entirely at fault.

After divorce, the children always remained with the mother. The man left his wife after the case, saying, "I will take my spear and some of the guns and chickens, but the children will always know their father."

Murder was a question of compensation to the deceased's relatives and was not punished by death.

Stealing was a serious offence but many who were found guilty were rather despised than punished. The thief with the stolen goods tied about his body but otherwise stripped naked would be driven through the village and punished with sticks to the sound of drums and horns of derision. Most crimes, however, might be punished by exacting compensation. Payment took the form of goods or slaves. In the case of murder, the accused might have to pay several slaves to the deceased's relatives, and in addition, a fine to the chief for spilling blood, consisting perhaps of one slave. The amount of compensation expected was mentioned by the plaintiff in the case. One of the expressions used was, "My compensation must cover an axe hill," meaning enough slaves, standing head to head, to surround an axe hill; axe hills in this country are sometimes very big. If a man had no slaves, he would send his relatives or he himself might be forced to become the slave of the plaintiff. There is a saying about this practice:

(Ndwakiti wachimwile wakwe)
The monkey they tied (with) tail his (own).

Slaves passed over to a man in payment for crime became free men; they were as children to the village and might even be adopted in place of a murdered individual.

When compensation was made by the defendant to the plaintiff, the latter always returned some part of it as a sign that friendship was again established.

Goods or money received in compensation for murder, i.e. blood money, might not go for the purchase of food or clothing. Detection of a guilty party by means of magic and proof of guilt or otherwise by ordeal poison are dealt with elsewhere.

Stealing anyone into giving something for nothing, obtaining goods by false pretences, was not considered a crime, as anyone was "fair game." For instance, a party of youths would waylay a man with a load of fish, saying they had been ordered by their headman to commandeer it. If the man parted with his fish, so much the worse for him; if he showed fight, he was respected and friendship made with a give-and-take of fish and snuff. Such bluffing is called *kulipa mano*, "to eat with them." To add to their appearance of true *fides*, the party might have recently borrowed some well-known article belonging to their headman.

224 *mbindi*, a joint (*of bamboo*) which slides down the string sent to the noose so that the upward outward moment tightens or grips through the string (Pl. IV, fig. 8; Pl. XXX, fig. 8).

8. *Lukungi lua makinda ne shikuwa*, a trap for water-rats (Pl. XX, fig. 7).

4. *Lukungi lua ngandu*, a trap for the partridge (Pl. XX, fig. 8).

223 5. *Chijumba cha* (*jiwi*, " the house for birds," also used to trap small animals (Pl. XX, fig. 5).

6. *Lukungi lua kabwi*, a trap for the musk (*of guinea fowl*) (Pl. XX, fig. 4).

7. *Lukungi lua shilitumbu*, a trap for the trowel (*of the guineafowl*); *ku-ditumba* to put the foot down, to tread. The string square is about 8 × 6 inches (Pl. XXI, fig. 6).

8. *Liwowo*, a trap made of split bamboo. A bird going to pick up the grain is caught by the head when the trap is released by the string which the trapper pulls (Pl. XXI, fig. 5).

9. *Lwau lua jiwi* or *ngwa*, a bird-trap made of netting on a hinged frame-work, operated by a string (Pl. XXI, fig. 4).

[224] 10. *Lilwa*, a falling stone trap for mice. Rats are said to pull off the trap with their tails and are never caught (Pl. XXI, fig. 1).

10a. The same trap set for catching birds (Pl. XXI, fig. 2).

11. *Mukidaya*: (*ideal* = hanging lower), a noose for small birds, set on trees (Pl. XX, fig. 1).

12. *Fowl thieves* use a very simple constriction consisting of two grains of maize threaded on one end of a piece of string some six inches long, at the other end of which is attached a leaf folded up into the form of a cone. The fowl, enticed by the maize, swallows the two grains and the attached string, so that the cone is drawn over its head; it is then helpless and is easily picked up by the thief, who has only to pull on the string to remove the leaf.

224 13. *Chijumumba*, a hollow cylinder of wood with noose activated by a wooden spring, for catching rats (Pl. XXI, fig. 3).

14. *Chijuta*, a similar trap made of bark, for mice.

15. *Lilwa*: a plaited bamboo cone into which a rat forces its head to get at the bait, but finds, when it tries to withdraw, that it is caught by sharpened pieces of bamboo projecting backwards into the cone (Pl. XX, fig. 6).

227 16. *Mkwanyi*, a fish-trap of the same design, from the Anyanja (Pl. XX, fig. 3).

17. *Mwipa*, a fish-trap on the lobster-pot principle, often set in gaps in a fence built across a stream, copied from the Anyanja trap called *mono* (Pl. XXI, fig. 7).

[17] 18. *Nfini*, also I think from the Anyanja, consists of a long basket-work, extinguisher-like arrangement which is clapped down over a swarm of small fish; the hand is introduced through an aperture in one side and the fish removed (Pl. XXI, fig. 6).